

Notice of Allowability

Application No.

09/869,213

Examiner

Michael Kornakov

Applicant(s)

POKORNY ET AL.

Art Unit

1746

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/01/2003.
2. ☒ The allowed claim(s) is/are 33-40 and 44-63.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 08/28/03.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. R. Becker, esq., on 2/5/2004.

The application has been amended as follows:

In the specification, immediately after the heading "Background of the Invention" insert
---This application claims priority of German priority document 198 59 466.6, filed December 22, 1998, the content of which is fully incorporated in the instant application.---

Cancel claims 41,42 and 43.

This amendment is made in order to eliminate claims, failing to further limit the structure described in the parent claim.

In claim 33 replace the second paragraph between the words "at least one first nozzle disposed essentially centrally" and the word "and" by the clause :

---and aligned with an upper surface of said nozzle plate, wherein said at least one first nozzle plate is capable of providing outwardly directed uniform flow over the upper surface of said nozzle plate;---

Art Unit: 1746

In claim 33, third paragraph, after the words "said second nozzles are distributed over" insert ---the surface---

These amendments are made in order to reflect the structural difference between the claimed apparatus and the apparatuses, described in prior art references.

In claim 36 replace the words "straight line" after the words "wherein said" by the clause ---prescribed contour---

This amendment is made in order to establish proper antecedent basis for claimed terminology.

In claim 40 replace the word "have" after the words "second nozzle can" by the words ---operate under---

This amendment is made in order to clarify the instant invention.

In claim 45 replace the word "insertable" after the words "wherein an insert is" by the words ---integrated perpendicular---

This amendment is made in order to address the specific positioning of the first nozzle, which distinguishes the structure of the instant apparatus over prior art.

In claim 54, first paragraph, replace the words "relative to said nozzle plate" after the words "nozzle plate disposed parallel to a substrate" by the clause ---fixed on a substrate carrier---

Art Unit: 1746

In claim 54, first paragraph, replace the word "to" after the words "relative to said substrate and" by the words ---aligned with---

In claim 54, third paragraph, after the words "providing a plurality of second nozzles disposed in said nozzle plate" insert ---and positioned---

In claim 54, fifth paragraph, after the words "wherein said second nozzles are distributed over" insert ---the surface of---

These amendments are made in order to emphasize relative positioning of the substrate, first and second nozzles during the processing, which in combination with the other processing steps distinguishes the instantly claimed process from prior art.

In claim 62 replace the word "a" after the words "an outer surface of" by the word ---the--
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In claim 63 replace the word "extends" after the word "which" by the words ---is positioned---

This amendment is made in order to better describe placement of nozzle group and to obviate potential new matter rejection.

Response to Applicants' Amendment

2. All previous objections to claims and specification and rejections have been overcome by Applicants' amendment filed 12/01/2003, in combination with the Examiner's amendment hereto and the said objections and rejections are withdrawn.

Art Unit: 1746

Drawings

3. The drawing informalities noted in the previous Office Action, mailed on 08/28/2003, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper. The requirement for corrected drawings will not be held in abeyance.

Allowable Claims

4. Claims 33-40, 44-63 are allowable over the prior art of record.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Allowable subject matter with regard to claims 47-50 and 60-62 was indicated in the previous office action, dated 08/28/2003. Applicants have further amended claims 33 and 54 to introduce significant limitations, such as positioning the first nozzle aligned with an upper surface of the nozzle plate, wherein the second nozzles are disposed at certain angle relative thereto; the capability of the first nozzle to provide outwardly directed uniform flow over the surface of the nozzle plate; placing and fixing substrate on the carrier, wherein the substrate is treated by spirally outwardly extending flow.

These limitations in combination with the other structural features (with regard to apparatus) and processing steps (with regard to method) are not anticipated or suggested fairly by prior art references, located as of the date of this office action.

Therefore, claims 33-40, 44-63 are allowed over the prior art of record.

Art Unit: 1746

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Kornakov

2/5/2004

Michael Kornakov
Examiner
Art Unit 1746